

# Notice of Allowability

Application No.

10/633,324

Examiner

Ha D. Ho

Applicant(s)

DIOSI ET AL.

Art Unit

3681

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response filed 10/15/04.
2. ☒ The allowed claim(s) is/are 34-69.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 11/3/03 & 8/5/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. Applicant's election with traverse of species of Figures 1 and 2 in the reply filed on 10/15/04 is acknowledged. The traversal is found persuasive. The requirement is therefore withdrawn.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Bujold on 12/08/04.
4. During the interview, applicant agreed to amend claims to correct informalities, and to amend the abstract to reduce the length within 150 words. The application has been amended as follows:

#### **Abstract**

- In line 2 of the abstract, "is proposed," have been deleted.
- From line 13 to line 20, "; a shaft (3) being continuously connected to the sun gear of the third planetary gear set (P3) and being couplable by way of a brake (03) to the housing (G); a shaft (4) being connected to the ring gear of the second planetary gear set (P2) and to the carrier of the first planetary gear set (P1), and being couplable via a brake (04) to the housing (G); a shaft (6) being continuously connected to the ring gear of the third planetary gear set (P3) and to the carrier of the second planetary gear

set (P2); and a clutch (45, 24) releasably connecting the shaft (4) to the shaft (5) or to the output drive shaft (2)” have been deleted.

### Claims

- Claim 35, line 5, “a” (all occurrences) have been deleted.
- Claim 35, line 6, “a” (all occurrences) have been deleted.
- Claim 35, line 7, “a” (all occurrences) have been deleted.
- Claim 35, line 8, “a” (all occurrences) have been deleted.
- Claim 35, line 8, “third” has been deleted.
- Claim 35, line 8, “fourth” has been changed to --third--
- Claim 35, line 23, “a” has been changed to --the--
- Claim 35, line 27, “a” has been changed to --the third--
- Claim 36, line 2, “at least one of” has been deleted.
- Claim 36, line 3, “and fourth clutches” have been changed to --clutch--.
- Claim 37, line 3, “third and fourth” have been changed to --and third--.
- Claim 38, line 4, “one of” and “and fourth” have been deleted.
- Claim 40, line 2, “fourth” has been changed to --third--.
- Claim 41, line 2, “fourth” has been changed to --third--.
- Claim 42, line 2, “fourth” has been changed to --third--.
- Claim 44, line 2, “one of” and “and fourth” have been deleted.
- Claim 45, line 2, “one of” and “and fourth” have been deleted.
- Claim 46, line 2, “third and fourth” have been changed to --and third--.
- Claim 50, line 2, “one of” and “and fourth” have been deleted.

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- Claim 53, line 2, "fourth" has been changed to --third--.
- Claim 56, line 3, ", in particular" have been changed to --such that--.
- Claim 62, line 2, "a" has been changed to --the--.
- Claim 66, line 2, "64" has been changed to --65--.
- Claim 66, line 2, "the input" has been changed to --an input--.

5. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In Figure 4, "45" will be changed to --24--. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

6. The following is an examiner's statement of reasons for allowance: The prior art of record does not disclose or render obvious a motivation to provide for a motor vehicle transmission having seven forward speeds as defined by the limitations of claim 35; including an input shaft, an output shaft, third to sixth rotatable shafts, three planetary gear sets, three clutches and three brakes; wherein the input shaft is continuously connected to the sun gear of the second planetary gear set and is connectable via the first clutch to the carrier of the first planetary gear set and is connectable via the second clutch to the fifth shaft which on the one hand is continuously connected to the sun gear of the first planetary gear set and on the other hand is couplable via the third brake to the housing; the output shaft is continuously connected to the carrier of the third planetary gear set and to the ring gear of the first planetary gear set; the third shaft is continuously connected to the sun gear of the third planetary gear set and is couplable to the housing via the first brake; the fourth shaft is connected to the ring gear of the second

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planetary gear set and to the carrier of the first planetary gear set, and is couplable to the housing via the second brake; the sixth shaft is continuously connected to the ring gear of the third planetary gear set and to the carrier of the second planetary gear set.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Cited Prior Art***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Murakami et al.'946, Asada et al.'308, Tabata et al.'469, and Asada'846 which each shows a transmission having at least seven forward speed, three planetary gear sets, a plurality of clutches and brakes.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ha D. Ho whose telephone number is (703) 305-0738. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

HDH  
(703) 305-0738  
December 8, 2004

*Ha D Ho*  
**HAHO**  
**PRIMARY EXAMINER**  
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